

## REMARKS/ARGUMENT

### **Description of Amendments**

Claims 68, 69, 71, 72, 74-77, 80, 81, and 83-87, are currently amended.

Claims 88-97 are new.

Claims 1-67, 70, 73, 79, 82 are canceled, leaving claims 68, 69, 71, 72, 74-78, 80, 81, 83-97 pending and under consideration after entry of this Amendment.

No new matter has been introduced. Support for the claim amendments can be found throughout the application as originally filed. See, for example, the following sections of the application.

<u>Claims</u>	<u>Pub. 2006/0059024</u>
68, 77, 86	Paragraph 35 (“data store”); para. 82 (“events”); para. 83 (“multiple vehicles”); drawing sheet 23 (showing TSM and TIM coupled to Flights Database and Travel Database)
71, 80	Paragraph 145
72, 81, 92, 97	Paragraphs 81, 82 and 157.
88, 93	Drawing sheet 23
89, 90, 94, 95	Paragraph 145
91, 96	Paragraph 83

Reconsideration and removal of the rejections are respectfully requested.

### **Rejection under 35 U.S.C. §101**

Claims 77-85 were rejected under 35 U.S.C. §101. The Office stated that “Applicant’s claim is not drawn to patent-eligible subject matter under §101” (Office Action at 2). The Office asserted that use of a specific machine or transformation in the claims was “insignificant extra-solution activity” (id.). Applicant respectfully disagrees.

Furthermore, the “access device” recited in currently amended claim 77 satisfies, at least, the machine prong of the machine-or-transformation test articulated in In re Bilski, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008) (en banc), cert. granted, 556 U.S. 1 (June 2009). Therefore, claim 77 as amended, and the claims depending therefrom, are drawn to patent-eligible subject matter under §101.

Accordingly, Applicant respectfully requests removal of the rejection.

**Rejections under 35 U.S.C. §112, first paragraph**

Claims 68-87 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. The Office stated that the “database” recited in the claims is not described in the specification. Applicant submits that the database is described in the specification (see, for example, drawing sheets 19, 20, 22, 23, and 25-26). Removal of the term “database” from the claims renders the rejection moot.

Claims 76 and 85 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Applicant submits that removal of the words “listed in the object data” addresses the rejection.

Accordingly, Applicant respectfully requests removal of the rejections under §112, first paragraph.

**Rejections under 35 U.S.C. §112, second paragraph**

Claims 68-87 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded by Applicant as the invention. With regard to the phrase “a map generator capable of displaying a map with at least a subset of the vehicle data and at least a subset of the object data superimposed onto the map,” the Office stated that “it is unclear as to the bounds of the claim, since there are two minimal requirements in the claim” (Office Action at 4). Applicant respectfully disagrees. Applicant submits that removal of the words “at least a subset of” renders the rejection moot.

Claims 70 and 79 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded by Applicant as the invention. The Office stated that “the object” as recited in claims 70 and 79 lacks antecedent basis. Cancellation of claims 70 and 79 renders their rejection moot.

Claims 76 and 85 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded by Applicant as the invention. Applicant submits that removal of the words “listed in the object data” addresses the rejection.

Accordingly, Applicant respectfully requests removal of the rejections under §112, second paragraph.

### **Rejection under 35 U.S.C. §102**

Claims 68-70, 72, 73, 75, 76-79, 81, 82 and 84-87 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,948,040 (“DeLorme”).

#### **Claim 68**

DeLorme fails to expressly or inherently describe “a data store containing vehicle data, ... the vehicle data including information about a plurality of moving vehicles” and “a manager ... capable of associating, in accordance with the event data, information about the traveling object with information about a particular vehicle from among the plurality of vehicles” and “a map generator capable of displaying a map with information about the particular moving vehicle and information about the traveling object” as recited in claim 68.

The Office asserted that DeLorme column 8, lines 20-30 “shows a database that is capable of storing vehicle data.” The cited passage in DeLorme discloses that “the TRIPS database is a Geographical Information System (GIS)” and that “[s]uch a GIS manages data in the GIS database in relation to geographical coordinate locations of a selected geographical coordinate system” and further “the TRIPS database manager relates points of interest and any other loc/objects of the database with particular locations on or near the surface of the earth in terms of coordinate locations such as latitude and longitude.” DeLorme fails to disclose that the database of the cited passage contains “information about a plurality of moving vehicles,” as

claimed. In DeLorme, “loc/objects” are fixed points of interest in a particular geographic area (DeLorme col. 8, line 13-16 and lines 26-28) and there is no disclosure that the “loc/objects” are moving vehicles.

The Office asserted that the “manager” as claimed is disclosed at DeLorme column 8, lines 23-30. The Office stated that the cited passage in DeLorme “shows a manager that is capable of associating data” (Office Action at 5). The cited passage in DeLorme discloses: “the TRIPS database manager relates points of interest and any other loc/objects of the database with particular locations on or near the surface of the earth in terms of coordinate locations such as latitude and longitude.” There is no disclosure in the cited passage that the TRIPS database manager is capable of associating data with information in accordance with other data. Furthermore, claim 68 recites “the object data including information about a traveling object,” and there is no disclosure that “loc/objects” of the cited passage of DeLorme are traveling objects. As previously indicated, “loc/objects” are fixed points of interest in a particular geographic area (DeLorme col. 8, line 13-16 and lines 26-28). As such, the TRIPS database manager in DeLorme handles data for non-traveling and non-moving objects. There is no disclosure that the TRIPS database manager in DeLorme is capable of associating, in accordance with event data, information about a traveling object with information about a particular moving vehicle.

The Office asserted that the “map generator” as claimed is met by DeLorme FIG. 5D. The Office stated that FIG. 5D “shows the capability to display a map along with data of displaying” (Office Action at 5). Applicant submits that FIG. 5D fails to show “information about the particular moving vehicle and information about the traveling object,” as recited in claim 68. FIG. 5D merely shows a map together with information about cities and a particular restaurant, which are non-traveling and non-moving objects.

Accordingly, Applicant respectfully submits that claim 68 is patentably allowable over DeLorme.

#### Claims 77 and 86

DeLorme fails to expressly or inherently describe “storing ... vehicle data, ... the vehicle data including information about a plurality of moving vehicles” and “associating information about the traveling object with the information about a particular moving vehicle from among the

plurality of moving vehicles, the associating performed in accordance with the event data” and “displaying on an access device a map with information about the particular moving vehicle and the information about the traveling object superimposed onto the map,” as recited in claims 77. Claim 86 has similar elements.

With regard to “storing” in claims 77 and 86, the Office stated that DeLorme “[c]olumn 8, lines 23-30, shows a database that is capable of storing vehicle data” (Office Action at 5). The cited passage in DeLorme describes a “TRIPS database” and a “GIS database.” However, there is no express or inherent disclosure in col. 8, lines 23-30 of storing “information about a plurality of moving vehicles in the TRIPS database and/or the GIS database.

With regard to “associating” in claims 77 and 86, the Office stated that DeLorme “[c]olumn 8, lines 23-30, shows a manager that is capable of associating data” (Office Action at 5). The cited passage in DeLorme provides that “the TRIPS database manager relates points of interest and any other loc/objects of the database with particular locations on or near the surface of the earth in terms of coordinate locations such as latitude and longitude.” However, there is no express or inherent disclosure in col. 8, lines 23-30 of performing the associating step “in accordance with event data,” as claimed.

With regard to “displaying” in claims 77 and 86, the Office stated that DeLorme “FIG. 5D shows the capability to display a map along with data of displaying” (Office Action at 5). However, FIG. 5D fails to show information about a “particular moving vehicle” and a “traveling object,” as claimed.

Accordingly, Applicant respectfully submits that claims 77 and 86 are patentably allowable over DeLorme.

#### Claim 87

Claim 87 includes all the elements of claim 77 and is patentably allowable over DeLorme for at least the same reasons given above for claim 77.

#### Other Claims

All other pending claims that were rejected as being anticipated by DeLorme depend from base claims 68 and 77 and, thereby, include all the elements of their respective base claims

and are patentably allowable over DeLorme for at least the same reasons given above for the base claims.

### **Rejection under 35 U.S.C. §103**

Claims 71 and 80 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLorme. As indicated above, claims 68 and 77 are patentably allowable over DeLorme. No *prima facie* case of obviousness is established in view of the deficiencies of DeLorme with respect to claims 68 and 77. Claims 71 and 80 depend from base claims 68 and 77 and, thereby, include all the elements of their respective base claims and are patentably allowable over DeLorme for at least the same reasons given above for the base claims.

Claims 74 and 83 were rejected under 35 U.S.C. §103(a) as unpatentable over DeLorme in view of U.S. Patent 6,353,794 (“Davis”). As indicated above, claims 68 and 77 are patentably allowable over DeLorme. Davis fails to cure all the deficiencies of DeLorme with respect to base claims 68 and 77, so claims 68 and 77 are patentably allowable over DeLorme in view of Davis. Claims 74 and 83 depend from base claims 68 and 77, include all the elements of their respective base claims and are patentably allowable over DeLorme in view of Davis for at least the same reasons that the base claims are patentably allowable.

### **New Claims**

New claims 88-97 depend from base claims 68 and 77, include all the elements of their respective base claims, and are patentably allowable for at least the same reasons given above for the base claims.

### **Conclusion**

In light of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. Please

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charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

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